

CHIEF U.S. DISTRICT JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROY PEDEN,)	
)	CIVIL NO. 3:20-cv-05001-RSM
Plaintiff,)	
)	
vs.)	
)	ORDER
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	
)	

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on August 3, 2020, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 For the reasons set forth in the parties' stipulated motion for attorney fees under the Equal
2 Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq.*, and good cause shown, IT IS HEREBY
3 ORDERED AS FOLLOWS: Plaintiff is hereby awarded \$6,511.68 in attorney fees, subject to any
4 offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590
5 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney: David Oliver & Associates,
6 2608 South 48th Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to
7 Plaintiff's attorneys, David Oliver & Associates, if the Commissioner confirms that Plaintiff owes
8 no debt to the Government through the Federal Treasury Offset program.

9 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

10 DATED this 27th day of October, 2020.

11
12
13 

14 RICARDO S. MARTINEZ
15 CHIEF UNITED STATES DISTRICT JUDGE

16
17 Presented by:

18
19 S/David P. OLIVER
20 David P. Oliver,
21 Attorney for Plaintiff
22
23
24
25